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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fifteenth session

SUMMARY RECORD OF THE 297th MEETING

Held at Headquarters, New York,
on Tuesday, 23 January 1996, at 3 p.m.

Chairperson: Ms. GARCIA-PRINCE (Vice-Chairperson)

later: Ms. CORTI (Chairperson)

CONTENTS

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION (continued)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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In the absence of Ms. Corti, Ms. Garcia-Prince, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION (continued)

1. At the invitation of the Chairperson, Ms. Heyzer (United Nations Development Fund for Women (UNIFEM)) took a place at the Committee table.

2. Ms. HEYZER (Director, United Nations Development Fund for Women (UNIFEM)) said that the Beijing Platform for Action had broken new ground in the area of women's human rights, by challenging Governments to achieve universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000, to limit their reservations to the Convention and to withdraw those that were contrary to the Convention's purpose. Its recommendations that human rights bodies should include a gender-sensitive perspective on the human rights of women in their reporting and that the Committee should examine the progress Member States were making in implementing the Platform were most welcome.

3. The Platform for Action had articulated the commitment of the international community to the empowerment of women. UNIFEM's new programming focus was on the political and economic empowerment of women, and the main aim of its Economic Empowerment Programme was to increase women's access to and control over the means to make a living on a sustainable and long-term basis, and to enable them to receive the material benefits of such access and control.

4. UNIFEM's Political Empowerment Programme was intended to increase women's control over their lives within and outside the household and their ability to influence society. The human rights framework was a crucial element in understanding and addressing the obstacles to women's empowerment. It attached great importance to the use of such a framework which viewed the pursuit of sustainable human development as a fundamental human right. UNIFEM was committed to a process through which people learned respect for the dignity of others, and to working with the Committee to ensure that the Platform for Action was implemented.

5. She reaffirmed that UNIFEM would assist the Committee in raising public awareness of the Convention and support efforts to strengthen the Committee's work. As a part of that pledge, UNIFEM sought to integrate gender sensitivity into the work of all United Nations agencies. In July 1995, UNIFEM had therefore cooperated with the United Nations Centre for Human Rights in organizing an expert group meeting on the development of guidelines to incorporate gender perspectives in the human rights work of the United Nations. Several Committee members had participated in and brought valuable experience and perspectives to that meeting. The report of the meeting would be submitted to the Commission on Human Rights at its forthcoming session.

6. UNIFEM had collaborated with UNICEF to produce an advocacy and information kit on the Convention for use at the Fourth World Conference on Women; it had

been well received. At the Conference, UNIFEM had supported the work of the Committee, sponsoring the participation of 10 of its members at the NGO forum, and ensuring that the Convention and the human rights of women were discussed in all forums. It had also sponsored several panels on women's human rights and the Committee at both the NGO forum and the Government conference, and had shown how the Convention and the Convention on the Rights of the Child were complementary.

7. UNIFEM had recently collaborated with the International Women's Rights Action Watch (IWRAW) to review the Committee's achievements, identify the challenges currently facing it and enhance implementation of the Convention.

8. The momentum created by the Fourth World Conference must be sustained; efforts must be made to ensure that the international community guaranteed women's human rights by implementing the Platform for Action. UNIFEM was exploring partnerships with other United Nations agencies in order to promote the Convention: it was collaborating with UNFPA on issues related to human rights and reproductive rights, and with UNICEF on the possibility of using the Convention and the Convention on the Rights of the Child as the basis for a "bill of rights" for women and children.

9. There could be no sustainable human development until women were free to exercise their economic, social, cultural and civil rights. UNIFEM was therefore eager to continue promoting the Convention and to work for its universal ratification in order to improve the conditions of women's lives all over the world.

10. Ms. Corti took the Chair.

11. The CHAIRPERSON thanked the Director for her statement. Recent conferences had highlighted the important role played by women in development and society, and it was important that women should know that there was an international legal instrument to defend their rights. UNIFEM and UNICEF had both been instrumental in raising awareness of the Convention. UNICEF could perhaps do more and might consider introducing gender-sensitive perspectives into its work.

12. Ms. HEYZER (Director, United Nations Development Fund for Women) said that while the Beijing Conference had helped raise awareness of the Convention, more could be done in that regard. Cooperation between UNIFEM, the Committee and NGOs should make the Convention accessible to a larger number of women, and she reaffirmed the readiness of UNIFEM to provide all possible support. She agreed that since UNICEF had been instrumental in incorporating the Convention on the Rights of the Child into many countries' development strategies, it might do the same for the Convention.

13. Ms. ABAKA thanked the Director for her statement. She agreed that the Convention should be made more accessible, and would welcome more information on possible cooperation with UNICEF to enable the Convention to be translated into simple language or pictures which could be readily understood by women throughout the world.

14. Ms. ESTRADA CASTILLO said it was important to have a programme to raise literacy and legal awareness among women in the South American region. She said she would be willing to set up a link between the Committee and the regional office of UNIFEM.

15. Ms. GARCIA-PRINCE noted that, following recent changes in policy, UNIFEM was now willing to take risks with regard to such issues as empowerment and gender perspective. If gender were indeed central to the Platform for Action, UNIFEM should initiate activities which would help to create methodological guidelines for the adoption of gender policies. The Convention provided a legal framework, but there was a need for a link with public policy in terms of gender perspective. UNIFEM could perhaps provide such a link. Many of the obstacles to full implementation of the Convention, were legal rather than practical. That problem would remain, in the absence of methodological guidelines.

16. Ms. HEYZER (Director, United Nations Development Fund for Women) said that UNIFEM would do whatever it could to support the Convention. She was interested by the ideas on increasing accessibility of the Convention and the proposals to build on regional relationships.

17. Ms. Heyzer (United Nations Development Fund for Women) withdrew.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial and second periodic reports of Paraguay (CEDAW/C/PAR/1-2 and Add.1)

18. At the invitation of the Chairperson, Ms. Muñoz and Ms. Prieto (Paraguay) took places at the Committee table.

19. Ms. MUÑOZ (Paraguay), replying to questions posed by members of the Committee, said that the questions asked reflected the Committee's legitimate concern over the problems faced by women in Paraguay. Despite its limited resources and the lack of international economic cooperation, the Government of Paraguay was committed to tackling those problems and, in that connection, would be receptive to the Committee's suggestions and even criticisms. However, there were also urgent political, economic and social needs to be addressed in other areas and it was often difficult to achieve national consensus on reforms that would primarily benefit women.

20. The Government had signed an agreement with the Inter-American Development Bank for the implementation of a programme of institutional strengthening in the 1996-1997 biennium in order to strengthen the Secretariat for Women and so that it would be better able to incorporate a gender perspective into national policies.

21. Turning to the specific questions relating to article 2 of the Convention, she said that the Secretariat for Women had been established by Law No. 34 of 1992 as an organ of the Presidency of the Republic to promote greater participation by women in the nation's political, cultural, family and social life within the framework of the Convention. It coordinated the activities of

the various ministries involved and ensured, through formal agreements with them, that their programmes reflected public policies related to women.

22. The Network of Women Town Councillors comprised women officials from the different towns. The Network carried out joint action and strategies for the advancement of women at the local level and sought to incorporate a gender perspective into municipal policies.

23. With regard to article 4, the Senate introduced amendments to the electoral laws requiring that women should account for at least 20 per cent of the electoral lists of political parties, most of which had introduced a quota system for women and a system of regional representation. Rural women, for whom no special mechanism existed, benefited from the system of regional representation which had enabled them to achieve a measure of influence in their peasant organizations. At the trade union level, the struggle of women for greater empowerment had led to the creation of a women's secretariat within the Central Unitaria de Trabajadores.

24. In addition, a system for compiling gender-disaggregated statistics had recently been introduced and all ministries were adopting it.

25. With regard to article 5, the implementation of the National Programme for the Equality of Opportunities and Results for Women in Education (PRIOME) was based on an agreement signed between the Secretariat for Women and the Ministry of Education. In addition, a National Plan for the Prevention and Punishment of Violence against Women had been established in 1994 to create greater awareness of the problem of violence against women. The Plan provided for special training programmes for police and health officials and sought to increase women's participation in the judiciary. The Secretariat for Women was currently compiling a register of complaints of acts of violence committed against women in the capital and three other cities. It was hoped that the register would ultimately cover the entire territory.

26. The Penal Code currently in force, which had been enacted in 1914, was generally acknowledged to be flawed in that it retained some of the characteristics of the traditional patriarchal system, one being that rape was considered more as an affront to a man's honour rather than as a violation of the human rights of the woman. Accordingly, the Code provided different penalties for rape, depending on whether the victim was married or single. It also characterized domestic violence as physical assault and did not consider sexual assault as a crime. The Secretariat for Women had submitted legislative proposals aimed at remedying those deficiencies. Work on a new draft Penal Code was already quite advanced; the new text provided for prison terms or fines for sexual assault, sexual coercion, defloration of a minor and rape. It also prescribed measures for the protection of maternal health.

27. Prostitution in itself was not a crime in Paraguay. However, trafficking in women and forcing anyone into prostitution was proscribed by Law No. 104 of 1991 which provided severe penalties for pimps and procurers. Unfortunately, the law was not always strictly enforced.

28. With respect to the traffic in girls, a practice which had received extensive press coverage, it was hoped that the current situation could be improved through legislative initiatives undertaken within the framework of the reform of the judiciary and the amendments to the Minors' Code, which were being carried out with the support of UNICEF. Paraguay had ratified the Convention on the Rights of the Child, although regulations governing the international adoption of minors had still to be improved.

29. With regard to article 7 of the Convention, there were, in all 1,600 women's committees throughout the country. They offered their members courses, in the Guaraní language, to educate them about their rights as citizens and also Spanish classes. According to the Constitution, Paraguay was a multicultural and bilingual country whose official languages were Spanish and Guaraní. Education was provided in both languages and official documents were also printed in the two languages.

30. Regarding article 10, there was no discrimination between males and females in terms of access to education: in primary school boys accounted for 52 per cent of the children, girls 48 per cent; in secondary school the figures were 49 per cent 51 per cent respectively. Those differences were attributable to socio-cultural patterns under which girls often remained at home while boys received an education to prepare them for the responsibilities of supporting a family. The National Programme for the Equality of Opportunities and Results for Women in Education was an effective tool for overcoming discrimination against women in education.

31. There was an international dimension to the question of the migration of women to urban centres, since more than 9 per cent of the population of Paraguay had migrated in recent years to Argentina. Many were women in search of domestic work and, unfortunately, many of them were lured into prostitution by unscrupulous pimps.

32. On the question of maternal and child health, the new Constitution provided for individuals to decide freely and responsibly the number and spacing of their children. Disadvantaged populations benefited from special programmes in reproductive and maternal health. The National Council for Reproductive Health and Family Planning had been established in 1994 to implement maternal and child welfare and family planning programmes.

33. Turning to article 11 of the Convention, the new Labour Code provided that remuneration for domestic work should not be less than 40 per cent of the minimum wage. In addition to cash wages, domestic workers also received food and board; they were covered by social security legislation.

34. Under article 12, the Government provided adequate resources for the effective functioning of the National Council for Reproductive Health and Family Planning, which also received financial support from various international agencies. Nevertheless, only 63 per cent of the demand for family planning services was currently being met. Adolescent single mothers also benefited from special social welfare services; however, many children were unwanted, thereby contributing to the phenomena of national and international adoptions and the existence of street children. The establishment of the National Child Welfare

Centre (CENADI) with assistance from the Government and from non-governmental organizations was an attempt to deal with that problem.

35. Children born out of wedlock enjoyed the same rights as those born in wedlock. The Civil Code also granted individuals the freedom to determine the spacing of their children and the right to receive proper medical advice from State institutions.

36. Abortion was punishable under the law. As a result, however, women resorted to illegal abortions, often with fatal consequences. One of the aims of the National Council for Reproductive Health and Family Planning was precisely to increase preventive measures, thereby reducing the rate of maternal mortality due to abortions.

37. The punishment for the crime of infanticide under the Penal Code was much lighter than that provided for homicide, an anomaly which could be traced to the belief that honour was more important than the life of an individual. The draft Penal Code, which was expected to be promulgated early in 1996, sought to remedy that situation.

38. On the question of HIV/AIDS, Law No. 102 of 1991 prohibited any form of discrimination against persons infected with the HIV virus and prescribed measures for preventing the transmission of the virus.

39. With regard to article 14, rural women had become involved in peasant movements, including at the leadership level. Indigenous women were also seeking to become better organized, although their efforts so far were focused on seeking recognition of their rights as distinct ethnic groups. Paraguay's indigenous population received special protection under the Constitution and Law No. 904 of 1981. Nevertheless, they were more frequently victims of violence and exhibited higher incidence of health problems.

40. On the subject of land ownership, women in Paraguay had the right under the National Constitution to own and administer land. The Constitution also provided for the granting of assistance to peasant women, particularly heads of households, for the participation of women on an equal footing with men in agrarian reform, for training for farmers and their families to enable them to play a more effective role in national development, and for the promotion of organizations which defended the economic, social and cultural rights of peasant populations. In seeking to meet the demand for land on the part of peasants and indigenous populations, however, the Government faced formidable difficulties which could be traced to the country's long history of social injustice. As far as expropriation was concerned, the legislature had enacted a number of laws expropriating private property for the benefit of rural dwellers. The implementation of those policies, however, often gave rise to conflict between landowners and landless peasants. In order to coordinate its social and agrarian policies, the Government had created a Secretariat for Social Action.

41. Concerning article 15, there was no legal barrier to the entry of women into the military and police forces. Indeed, the number of women entering the police force was steadily increasing.

42. With regard to article 16, both the National Constitution and the Civil Code provided that women and men should enjoy the same rights of inheritance. Similarly, in cases of divorce, the rights of the two spouses were identical for purposes of the equitable distribution of assets. Common-law wives also enjoyed those same rights in the event of separation from their partners.

43. Information on the representation of women in the administration of justice system of Paraguay was contained in the addendum to the initial and second periodic reports of Paraguay (CEDAW/C/PAR/1-2/Add.2).

44. Turning to the question of how she, personally, felt as a member of a Government largely dominated by men, she said that it was important for women to use all possible forums to make their voices heard and to ensure that the gender perspective was taken into account by policy makers. It was impossible for a country to progress without the contribution of one half of its population.

45. Ms. AOUIJ said that legislation was often a major instrument of change in building a modern State, and it could be a very important factor in Paraguay, where women still had an inferior role. It was her hope that, by the time Paraguay submitted its next report, the Parliament would have adopted a new penal code.

46. Ms. MUÑOZ said that the new draft penal code would soon be submitted to a Parliamentary Commission, and then to the plenary. The expectation was that it would be adopted some time in 1996.

47. Ms. JAVATE DE DIOS said that the next report should contain more statistics and information on actual measures taken to combat traffic in women for prostitution. She had also heard some disturbing reports regarding trafficking in minors in the context of international adoption, which usually involved international syndicates. More information on that topic would also be welcome.

48. Ms. PRIETO (Paraguay) said that initially, international adoption had indeed shown some aspects that could be characterized as "trafficking", and was still not adequately regulated. However, steps had been taken to improve adoption practices. Approximately 600 children had been adopted internationally from Paraguay in 1994.

49. The CHAIRPERSON commended the delegation of Paraguay for its efforts to provide an overview of the situation of women in Paraguay in a global human rights context and expressed appreciation for the efforts that were being made to incorporate the gender perspective in policies at all levels. It was encouraging to note that the new penal code was nearing completion and that progress had also been made in education, family planning and health care. The Government appeared to be very sensitive to the double discrimination often suffered by rural women, and its programmes to provide them with vocational training and education seemed useful. In view of the forthcoming United Nations Conference on Human Settlements, it would be worthwhile examining the extent of discrimination against women in the area of housing.

The meeting rose at 5 p.m.